

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling

DONNA JEAN CARR-COOPER,

Plaintiff,

v.

CIVIL ACTION No. 5:22-CV-174
Judge Bailey

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Aloi [Doc. 27]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Aloi for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Aloi filed his R&R on May 19, 2023, wherein he recommends that Plaintiff's Motion for Summary Judgment [Doc. 12] be granted and Defendant's Motion for Summary Judgment [Doc. 15] be denied. Magistrate Judge Aloi also recommends that this matter be remanded to the ALJ.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nor is this Court required to conduct a *de novo* review when the party makes

only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Here, objections to Magistrate Judge Alois R&R were due within fourteen (14) days of receipt of the R&R, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)(2) of the Federal Rules of Civil Procedure. Having filed no objections within that time frame, defendant has waived the right to both *de novo* review and to appeal this Court's Order pursuant to 28 U.S.C. § 636(b)(1). Consequently, the R&R will be reviewed for clear error.

Having reviewed the R&R for clear error, it is the opinion of this Court that the Report and Recommendation [Doc. 27] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court further **ORDERS** that Plaintiffs Motion for Summary Judgment [Doc. 12] be **GRANTED** and Defendant's Motion for Summary Judgment [Doc. 15] be **DENIED**. This Court further **ORDERS** that this matter be **REMANDED** to the ALJ for the reasons set forth more fully in the R&R. Finally, this Court **ORDERS** that this matter be **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record.

DATED: June 8, 2023.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE